

Notice of Allowability

Application No.

10/675,013

Examiner

TAN X. DINH

Applicant(s)

URUSHIHARA ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/29/2006.
2. ☒ The allowed claim(s) is/are 1,3-53 (Renumber as 1-52).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

TAN Xuan DINH
Primary Examiner
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1) The amendment filed 12/29/2006 is acknowledged. Claim 2 has been canceled. New claim 54 is added.

2) Newly submitted claim 54 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: New claim 54 recites different structures and operations with original claims 1 and 3-53, which requires first and second member for allowing optical disc to be moved in loading direction, a base member, a first and second urging members, etc.,

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 54 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Cancel non-elected claim 54.

4) Claims 1 and 3-53 are allowed.

The optical disc driving apparatus for driving an optical disc while reading out information contained in optical disc, the optical disc having an outer peripheral surface, comprises a housing formed with an loading slot having optical disc passed there-through, a first detecting means for performing a detection of outer peripheral surface of optical disc to be moved into housing, a second detecting means for performing a detection of outer peripheral surface of optical disc to be moved into housing after detection of outer peripheral surface of optical disc is performed by first detecting means, a judging means for judging whether one optical disc or partially overlapped optical discs are passed through loading slot of housing based on results detected by first and second detecting means in which housing has an imaginary center plane on which center axis of optical disc extends when optical disc moves into housing, an imaginary lateral plane perpendicular to imaginary center plane, the loading slot of housing having an imaginary disc path on which optical disc moves into housing, the imaginary disc path being in perpendicular relationship with each of imaginary center plane and imaginary

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lateral plane, in which first detecting means includes a pivotal member pivotably movable between angular positions thereof while being held in contact with outer peripheral surface of optical disc to be moved into housing, a detecting device for detecting angular positions of pivotal member, in which second detecting means includes an operation member accommodated in housing in spaced relationship with pivotal member of first detecting means to be movable between operational positions thereof while being held in contact with outer peripheral surface of optical disc to be moved into housing, a pivotal member to be pivotably movable between angular positions thereof in association with operational positions of operation member while being held in contact with operation member and a detecting device for detecting the angular positions of pivotal member, as recited in the independent claims, are not found or suggested in the prior art of record.

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 8:00AM to 5:30PM.

The FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

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Status information for published applications may be obtained from either PrivatePAIR or PublicPAIR. Status information for unpublished applications is available through PrivatePAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the PrivatePAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER

February 15, 2007